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RAPPORT D'EXAMEN PRELIMINAIRE INTERNATIONAL

(article 36 et règle 70 du PCT)

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| Référence du dossier du déposant ou du mandataire | POUR SUITE A DONNER voir la notification de transmission du rapport d'examen préliminaire international (formulaire PCT/PEA/416) | |
| Demande Internationale No. PCT/FR 03/03138 | Date du dépôt international (jour/mois/année) 23.10.2003 | Date de priorité (jour/mois/année) 15.11.2002 |
| Classification Internationale des brevets (CIB) ou à la fois classification nationale et CIB B65G47/82 | | |
| Déposant CERMEX OUEST CONDITIONNEMENT et al. | | |

1. Le présent rapport d'examen préliminaire international, établi par l'administration chargée de l'examen préliminaire international, est transmis au déposant conformément à l'article 36.


2. Ce RAPPORT comprend 5 feuilles, y compris la présente feuille de couverture.

☐ Il est accompagné d'ANNEXES, c'est-à-dire de feuilles de la description, des revendications ou des dessins qui ont été modifiées et qui servent de base au présent rapport ou de feuilles contenant des rectifications faites auprès de l'administration chargée de l'examen préliminaire international (voir la règle 70.16 et l'instruction 607 des Instructions administratives du PCT).

Ces annexes comprennent feuilles.

3. Le présent rapport contient des indications et les pages correspondantes relatives aux points suivants :

- I ☒ Base de l'opinion
- II ☐ Priorité
- III ☐ Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle
- IV ☐ Absence d'unité de l'invention
- V ☒ Déclaration motivée selon la règle 66.2(a)(ii) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration
- VI ☐ Certains documents cités
- VII ☐ Irrégularités dans la demande internationale
- VIII ☐ Observations relatives à la demande internationale

| | |
|---|---|
| Date de présentation de la demande d'examen préliminaire internationale 15.04.2004 | Date d'achèvement du présent rapport 13.10.2004 |
| Nom et adresse postale de l'administration chargée de l'examen préliminaire international  Office européen des brevets D-80298 Munich Tél. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465 | Fonctionnaire autorisé Clivio, E N° de téléphone +49 89 2399-7251 |



PCT/FR 03/03138

**RAPPORT D'EXAMEN
PRÉLIMINAIRE INTERNATIONAL**

Demande internationale n°

PCT/FR 03/03138

5. ☐ Le présent rapport a été formulé abstraction faite (de certaines) des modifications, qui ont été considérées comme allant au-delà de l'exposé de l'invention tel qu'il a été déposé, comme il est indiqué ci-après (règle 70.2(c)) :

(Toute feuille de remplacement comportant des modifications de cette nature doit être indiquée au point 1 et annexée au présent rapport.)

6. Observations complémentaires, le cas échéant :

V. Déclaration motivée selon l'article 35(2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration

| | | | |
|--|------|----------------|----------------|
| 1. Déclaration | | | |
| Nouveauté | Oui: | Revendications | 2,3,6-11,14,15 |
| | Non: | Revendications | 1,4,5,12,13,16 |
| Activité inventive | Oui: | Revendications | |
| | Non: | Revendications | 2,3,6-11,14,15 |
| Possibilité d'application industrielle | Oui: | Revendications | 1-16 |
| | Non: | Revendications | |

2. Citations et explications

voir feuille séparée

Concernant le point V

1. Il est fait référence aux documents suivants :
D1 = EP-A-0519486;
D2 = GB-A-1183475;
D3 = GB-A-2342908;
D4 = US-A-4012893;
D5 = GB-A-2174667.
2. La présente demande ne remplit pas les conditions énoncées dans l'article 33(1) PCT, l'objet de la revendication 1 n'étant pas conforme au critère de nouveauté défini par l'article 33(2) PCT.
3. Le document D1, qui est considéré comme étant l'état de la technique le plus proche de l'objet de la revendication 1, décrit (les références entre parenthèses s'appliquent à ce document):
Une machine (device for diverting a moving flow of products) pour transférer en rangées successives des objets (products (P)) initialement alignées (voir: figure 4), comprenant un premier transporteur (flexible belt conveyor (20)) propre à amener les objets disposés en ligne les uns à la suite des autres, le document D1 décrit en outre un second transporteur (second conveyor ligne (10)) comprenant un plateau (plate-top chain constituted by flat links (38)) disposé latéralement au premier transporteur (voir: figure 4) et des moyens de déplacement d'objets avec au moins un organe de pousse (disc (28)) déplaçable transversalement au premier transporteur de manière qu'il vienne au contact latéral de "n" objets (voir: figures 1 et 2) sur le premier transporteur pour les repousser ensemble en rangée sur le susdit plateau en les déplaçant selon une direction faisant un angle " θ " compris entre 0° et 90° , bornes exclues ($\theta \neq 0^\circ$, $\theta \neq 90^\circ$) par rapport au premier transporteur (voir figures).
La combinaison des caractéristiques techniques de la revendication 1 est donc comprise dans l'état de la technique connu de D1.
4. La combinaison des caractéristiques techniques des revendications 4, 5, 12, 13 et 16 est également comprise dans l'état de la technique décrit par D1.
5. Les revendications dépendantes 2, 3, 6-11, 14 et 15 ne contiennent aucune caractéristique qui, en combinaison avec celles de l'une quelconque des revendications à laquelle elles se réfèrent, définisse un objet qui satisfasse aux

exigences du PCT en ce qui concerne l'activité inventive, et ce pour les raisons suivantes:

Les caractéristiques des revendications dépendantes 2, 3, 6-11, 14 et 15 sont déjà employées dans le même but dans des documents analogues, voir:

- document D2 - revendications 2, 3, 14 et 15;
- document D3 - revendication 6;
- document D4 - revendications 7-9;
- document D5 - revendications 10 et 11.

Il est évident pour la personne du métier d'appliquer ces caractéristiques, avec un effet correspondant, dans un dispositif suivant le document D1 et d'obtenir ainsi une machine selon les revendications 2, 3, 6-11, 14 et 15.

6. L'objet des revendications 1-16 est considérées comme susceptible d'application industrielle (article 33(4) PCT).

Translation

Rec'd PCT/PTO 13 MAY 2005

PATENT COOPERATION TREATY

PCT/FR2003/003138



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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

| | | |
|--|---|--|
| Applicant's or agent's file reference BCT030122/JMG | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/FR2003/003138 | International filing date (<i>day/month/year</i>) 23 octobre 2003 (23.10.2003) | Priority date (<i>day/month/year</i>) 15 novembre 2002 (15.11.2002) |
| International Patent Classification (IPC) or national classification and IPC B65G 47/82 | | |
| Applicant CERMEX OUEST CONDITIONNEMENT | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

| | |
|--|---|
| Date of submission of the demand 15 avril 2004 (15.04.2004) | Date of completion of this report 13 October 2004 (13.10.2004) |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/003138

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages 1-13 . as originally filed
 pages _____ . filed with the demand
 pages _____ . filed with the letter of _____
- ☒ the claims:
 pages 1-16 . as originally filed
 pages _____ . as amended (together with any statement under Article 19
 pages _____ . filed with the demand
 pages _____ . filed with the letter of _____
- ☒ the drawings:
 pages 1/5-5/5 . as originally filed
 pages _____ . filed with the demand
 pages _____ . filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____ . as originally filed
 pages _____ . filed with the demand
 pages _____ . filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description. pages _____
- ☐ the claims. Nos. _____
- ☐ the drawings. sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

| | | | |
|-------------------------------|--------|---------------------|-----|
| Novelty (N) | Claims | 2, 3, 6-11, 14, 15 | YES |
| | Claims | 1, 4, 5, 12, 13, 16 | NO |
| Inventive step (IS) | Claims | | YES |
| | Claims | 2, 3, 6-11, 14, 15 | NO |
| Industrial applicability (IA) | Claims | 1-16 | YES |
| | Claims | | NO |

2. Citations and explanations**1. Reference is made to the following documents:**

D1: EP-A-0 519 486;
D2: GB-A-1 183 475;
D3: GB-A-2 342 908;
D4: US-A-4 012 893;
D5: GB-A-2 174 667.

2. The present application does not fulfil the requirements set forth in PCT Article 33(1) because the subject matter of claim 1 does not comply with the requirement of novelty defined in PCT Article 33(2).

3. Document D1, which is considered to be the prior art closest to the subject matter of claim 1, describes (the references between parentheses apply to said document):

a machine (device for diverting a moving flow of products) for transferring items (products (P)), which are originally aligned (see figure 4), into consecutive rows, which machine includes a first conveyor (flexible belt conveyor (20)) capable of

feeding said items arranged in a line one behind the other. Document D1 further describes a second conveyor (second conveyor line (10)) including a plate (plate-top chain constituted by flat links (38)) arranged in a lateral position relative to said first conveyor (see figure 4) and item-moving means with at least one push member (disc (28)) movable in a transverse direction relative to said first conveyor in such a way that it contacts sideways "n" items (see figures 1 and 2) on said first conveyor in order to urge said items together into a row on said plate by moving them in a direction that is at an angle " θ " greater than 0° and less than 90° ($\theta \neq 0^\circ$, $\theta \neq 90^\circ$) relative to said first conveyor (see the figures).

It follows that the combination of technical features in claim 1 is found in the prior art known from D1.

4. The combination of technical features in claims 4, 5, 12, 13 and 16 is also found in the prior art described in D1.
5. Dependent claims 2, 3, 6-11, 14 and 15 do not contain any features which, in combination with the features of any one of the claims to which they refer, might define subject matter that fulfils the PCT requirement of inventive step, for the following reasons:

The features in dependent claims 2, 3, 6-11, 14 and 15 have already been used for the same purpose in similar documents, see:

- document D2: claims 2, 3, 14 and 15;
- document D3: claim 6;
- document D4: claims 7-9; and
- document D5: claims 10 and 11.

It would be obvious for a person skilled in the art to use these features with a corresponding effect in a device as per document D1 and thereby arrive at a machine as per claims 2, 3, 6-11, 14 and 15.

6. The subject matter of claims 1-16 is considered to be industrially applicable (PCT Article 33(4)).